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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of ) Group Art Unit: 2878  
Peter J. Hopper et al. )  
Application No. 10/690,181 ) Examiner: Meyer, David C.  
Filed: October 21, 2003 ) INFORMATION DISCLOSURE  
For: OPTICAL SENSOR THAT MEASURES ) STATEMENT  
THE LIGHT OUTPUT BY THE )  
COMBUSTION CHAMBER OF AN )  
INTERNAL COMBUSTION ENGINE )  
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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith information of which applicants are aware, which applicants believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

(a) [ ] accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).

(b) [ ] is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.

(c) [X] as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service, postage prepaid, in an envelope, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 08-06-04.

Dated: August 6, 2004 By: Syleen L. King

- (d) [ ] is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.
- (e) [ ] is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) are checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- (f) [ ] Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- (g) [ ] No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publications(s) is set forth on the attached Form PTO-1449 (Modified). A copy of the items on PTO-1449 (Modified) is supplied herewith:

- (h) [ ] each  
(i) [X] none  
(j) [ ] only those listed below:

Those patent(s) or publication(s) which are marked with an asterisk (\*) in the attached form PTO-1449 (Modified) are not supplied because they:

- [ ] were previously cited by or submitted to the Office in a prior application no. \_\_\_\_\_ filed \_\_\_\_\_ and relied upon in this application for an earlier filing date under 35 U.S.C. § 120 or  
[X] are hereby waived pursuant to 37 CFR 1.98 (a)(2)(i) for all U.S. national patent applications filed after June 30, 2003.

A concise explanation of relevance of the described above and attached information is:

- (k) [X] not given  
(l) [ ] given for each listed item  
(m) [ ] given for only non-English language listed item(s) [Required]

(n) [ ] is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

While the information disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that the information referred to is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the above-described and attached information.

The Commissioner is hereby authorized to charge our Deposit Account No. 502305 for any fees required in connection with the filing of the Information Disclosure Statement. **A duplicate copy of this Notice is enclosed for this purpose.** In particular, in the event that an Office Action has cross in the mail with this Information Disclosure Statement, the Commissioner is authorized to charge the above-named deposit account for any fees required pursuant to 37 C.F.R. §1.17(p) or 1.17 (i) (1).

Respectfully submitted,

Dated: 8-6-04

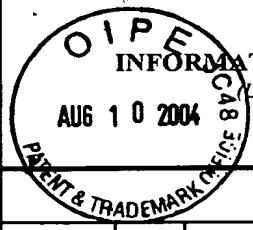
By:   
Mark C. Pickering  
Reg. No. 36,239

Attorney for Assignee

Atty. Docket No: 100-23400 (P05711)

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Customer No. 33402

| <p style="text-align: center;"><b>INFORMATION DISCLOSURE CITATION</b><br/>(Use several sheets if necessary)</p> <p>AUG 10 2004</p> <p>SCA 8</p> <p>PATENT &amp; TRADEMARK OFFICE</p>   |     |                 |          | Docket Number (Optional)<br><b>100-23400 (P05711)</b> |       | Application Number<br><b>10/690,181</b> |                            |  |
|--|-----|-----------------|----------|---|-------|---|----------------------------|--|
|  |     |                 |          | Applicant(s)<br><b>Peter J. Hopper et al.</b>         |       |   |                            |  |
|  |     |                 |          | Filing Date<br><b>October 21, 2003</b>                |       | Group Art Unit<br><b>2859</b>           |                            |  |
|  |     |                 |          | <b>U.S. PATENT DOCUMENTS</b>                          |       |   |                            |  |
| *EXAMINER INITIAL  | REF | DOCUMENT NUMBER | DATE     | NAME  | CLASS | SUBCLASS                                | FILING DATE IF APPROPRIATE |  |
|  |     | *6,760,070 B1   | 07/06/04 | Merrill et al.  | 348   | 294                                     | 03/16/00                   |  |
|  |     | *6,741,283 B1   | 05/25/04 | Merrill et al.  | 348   | 308                                     | 11/28/00                   |  |
|  |     | *6,731,397 B1   | 05/04/04 | Merrill et al.  | 358   | 1.16                                    | 05/21/99                   |  |
|  |     | *6,727,521 B2   | 04/27/04 | Merrill   | 257   | 98                                      | 06/18/01                   |  |
|  |     | *RE38,499 E     | 04/20/04 | Merrill et al.  | 348   | 301                                     | 06/29/01                   |  |
| <b>U.S. PATENT APPLICATION PUBLICATIONS</b>  |     |                 |          |   |       |   |                            |  |
| *EXAMINER INITIAL  | REF | DOCUMENT NUMBER | DATE     | NAME  | CLASS | SUBCLASS                                | FILING DATE IF APPROPRIATE |  |
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| <b>FOREIGN PATENT DOCUMENTS</b>  |     |                 |          |   |       |   |                            |  |
|  | REF | DOCUMENT NUMBER | DATE     | COUNTRY   | CLASS | SUBCLASS                                | Translation                |  |
|  |     |                 |          |   |       |   | YES                        |  |
|  |     |                 |          |   |       |   | NO                         |  |
| <b>OTHER DOCUMENTS</b> <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>   |     |                 |          |   |       |   |                            |  |
|  |     |                 |          |   |       |   |                            |  |
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| EXAMINER   |     |                 |          | DATE CONSIDERED                                       |       |   |                            |  |
| <b>EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |     |                 |          |   |       |   |                            |  |



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|---|---|
| Docket Number (Optional)<br><b>100-23400 (P05711)</b> | Application Number<br><b>10/690,181</b> |
| Applicant(s)<br><b>Peter J. Hopper et al.</b>         |   |
| Filing Date<br><b>October 21, 2003</b>                | Group Art Unit<br><b>2859</b>           |

#### U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE     | NAME             | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|-------------------|-----|-----------------|----------|------------------|-------|----------|----------------------------|
|                   |     | *6,697,114 B1   | 02/24/04 | Merrill          | 348   | 308      | 08/13/99                   |
|                   |     | *6,636,261 B1   | 10/21/03 | Pritchard et al. | 348   | 308      | 01/28/00                   |
|                   |     | *6,632,701 B2   | 10/14/03 | Merrill          | 438   | 70       | 10/01/02                   |
|                   |     | *6,606,120 B1   | 08/12/03 | Merrill et al.   | 348   | 273      | 04/12/99                   |
|                   |     | *6,525,304 B1   | 02/25/03 | Merrill et al.   | 250   | 208.1    | 11/28/00                   |

#### U.S. PATENT APPLICATION PUBLICATIONS

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|-------------------|-----|-----------------|------|------|-------|----------|----------------------------|
|                   |     |                 |      |      |       |          |                            |
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#### FOREIGN PATENT DOCUMENTS

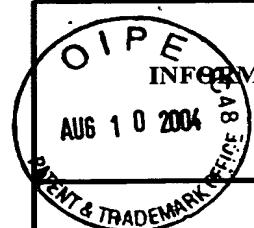
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#### OTHER DOCUMENTS      *(Including Author, Title, Date, Pertinent Pages, Etc.)*

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**EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



**INFORMATION DISCLOSURE CITATION**  
(Use several sheets if necessary)

AUG 10 2004

|  |                                  |
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| Docket Number (Optional)<br>100-23400 (P05711) | Application Number<br>10/690,181 |
| Applicant(s)<br><b>Peter J. Hopper et al.</b>  |                                  |
| Filing Date<br><b>October 21, 2003</b>         | Group Art Unit<br><b>2859</b>    |

**U.S. PATENT DOCUMENTS**

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE     | NAME           | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|-------------------|-----|-----------------|----------|----------------|-------|----------|----------------------------|
|                   |     | *6,512,544 B1   | 01/28/03 | Merrill et al. | 348   | 302      | 06/17/98                   |
|                   |     | *6,476,372 B2   | 11/05/02 | Merrill et al. | 250   | 208.1    | 03/20/01                   |
|                   |     | *6,452,633 B1   | 09/17/02 | Merrill et al. | 348   | 302      | 02/26/98                   |
|                   |     | *6,410,899 B1   | 06/25/02 | Merrill et al. | 250   | 208.1    | 02/14/00                   |
|                   |     | *6,369,853 B1   | 04/09/02 | Merrill et al. | 348   | 302      | 11/13/97                   |

**U.S. PATENT APPLICATION PUBLICATIONS**

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
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**FOREIGN PATENT DOCUMENTS**

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**OTHER DOCUMENTS**

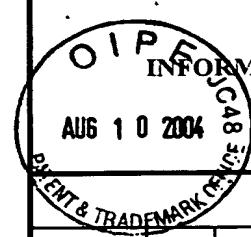
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**INFORMATION DISCLOSURE CITATION**  
(Use several sheets if necessary)

AUG 10 2004

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| Docket Number (Optional)<br>100-23400 (P05711) | Application Number<br>10/690,181 |
| Applicant(s)<br>Peter J. Hopper et al.         |                                  |
| Filing Date<br>October 21, 2003                | Group Art Unit<br>2859           |

**U.S. PATENT DOCUMENTS**

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE     | NAME           | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
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|                   |     | *6,246,043 B1   | 06/12/01 | Merrill        | 250   | 208.1    | 09/22/98                   |
|                   |     | *6,211,510 B1   | 04/03/01 | Merrill et al. | 250   | 208.1    | 01/26/00                   |
|                   |     | *6,160,282      | 12/12/00 | Merrill        | 257   | 292      | 04/21/98                   |
|                   |     | *6,150,683      | 11/21/00 | Merrill et al. | 257   | 292      | 06/27/97                   |
|                   |     | *6,088,058      | 07/11/00 | Mead et al.    | 348   | 296      | 05/29/97                   |

**U.S. PATENT APPLICATION PUBLICATIONS**

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
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**FOREIGN PATENT DOCUMENTS**

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**OTHER DOCUMENTS**      *(Including Author, Title, Date, Pertinent Pages, Etc.)*

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INFORMATION DISCLOSURE CITATION  
(Use several sheets if necessary)

AUG 10 2004

|   |   |
|---|---|
| Docket Number (Optional)<br><b>100-23400 (P05711)</b> | Application Number<br><b>10/690,181</b> |
| Applicant(s)<br><b>Peter J. Hopper et al.</b>         |   |
| Filing Date<br><b>October 21, 2003</b>                | Group Art Unit<br><b>2859</b>           |

U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE     | NAME           | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|-------------------|-----|-----------------|----------|----------------|-------|----------|----------------------------|
|                   |     | *6,066,510      | 05/23/00 | Merrill        | 438   | 57       | 05/05/98                   |
|                   |     | *6,018,365      | 01/25/00 | Merrill        | 348   | 302      | 03/05/99                   |
|                   |     | *6,002,432      | 12/14/99 | Merrill et al. | 348   | 241      | 09/10/96                   |
|                   |     | *5,982,012      | 11/09/99 | Merrill        | 257   | 463      | 01/14/98                   |
|                   |     | *5,970,316      | 10/19/99 | Merrill        | 438   | 57       | 09/25/98                   |

U.S. PATENT APPLICATION PUBLICATIONS

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
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FOREIGN PATENT DOCUMENTS

|  | REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation |    |
|--|-----|-----------------|------|---------|-------|----------|-------------|----|
|  |     |                 |      |         |       |          | YES         | NO |
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OTHER DOCUMENTS      *(Including Author, Title, Date, Pertinent Pages, Etc.)*

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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| <p style="text-align: center;"><b>INFORMATION DISCLOSURE CITATION</b><br/> <small>(Use several sheets if necessary)</small></p> <p style="text-align: center;">AUG 10 2004<br/>CAB</p>   |     |                 |          | Docket Number (Optional)<br><b>100-23400 (P05711)</b> |                               | Application Number<br><b>10/690,181</b> |                            |    |
|--|-----|-----------------|----------|---|-------------------------------|---|----------------------------|----|
|  |     |                 |          | Applicant(s)<br><b>Peter J. Hopper et al.</b>         |                               |   |                            |    |
|  |     |                 |          | Filing Date<br><b>October 21, 2003</b>                | Group Art Unit<br><b>2859</b> |   |                            |    |
| <b>U.S. PATENT DOCUMENTS</b>   |     |                 |          |   |                               |   |                            |    |
| *EXAMINER INITIAL  | REF | DOCUMENT NUMBER | DATE     | NAME  | CLASS                         | SUBCLASS                                | FILING DATE IF APPROPRIATE |    |
|  |     | *5,965,875      | 10/12/99 | Merrill   | 250                           | 226                                     | 04/24/98                   |    |
|  |     | *5,962,844      | 10/05/99 | Merrill et al.  | 250                           | 214 A                                   | 09/03/97                   |    |
|  |     | *5,932,873      | 08/03/99 | Bergemont et al.                                      | 250                           | 208.1                                   | 09/17/97                   |    |
|  |     | *6,750,489 B1   | 06/15/04 | Merrill   | 257                           | 292                                     | 10/25/02                   |    |
| <b>U.S. PATENT APPLICATION PUBLICATIONS</b>  |     |                 |          |   |                               |   |                            |    |
| *EXAMINER INITIAL  | REF | DOCUMENT NUMBER | DATE     | NAME  | CLASS                         | SUBCLASS                                | FILING DATE IF APPROPRIATE |    |
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| <b>FOREIGN PATENT DOCUMENTS</b>  |     |                 |          |   |                               |   |                            |    |
|  | REF | DOCUMENT NUMBER | DATE     | COUNTRY   | CLASS                         | SUBCLASS                                | Translation                |    |
|  |     |                 |          |   |                               |   | YES                        | NO |
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| <b>OTHER DOCUMENTS</b> <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>   |     |                 |          |   |                               |   |                            |    |
|  |     |                 |          |   |                               |   |                            |    |
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| EXAMINER   |     |                 |          | DATE CONSIDERED                                       |                               |   |                            |    |
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AUG 10 2004

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|  |                      |                        |                    |
|--|----------------------|------------------------|--------------------|
| TRANSMITTAL FORM<br><br>(to be used for all correspondence after initial filing) | Application Number   | 10/690,191             |                    |
|  | Filing Date          | October 21, 2003       |                    |
|  | First Named Inventor | Peter J. Hopper et al. |                    |
|  | Group Art Unit       | 2878                   |                    |
|  | Examiner Name        | Meyer, David C.        |                    |
| Total Number of Pages in This Submission   | 14                   | Attorney Docket Number | 100-23400 (P05711) |

## ENCLOSURES (check all that apply)

|  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form  | <input type="checkbox"/> Assignment Papers<br>(for an Application)                      | <input type="checkbox"/> After Allowance Communication to Group   |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences   |
| <input type="checkbox"/> Amendment/Response  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  |
| <input type="checkbox"/> After Final (Response)  | <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition    | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)   | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Inquiry   |
| <input type="checkbox"/> Extension of Time Request   | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s)<br>(please identify below):<br><br>Return Receipt Postcard<br>Certificate of Mailing |
| <input type="checkbox"/> Express Abandonment Request   | <input type="checkbox"/> Terminal Disclaimer  |   |
| <input checked="" type="checkbox"/> Information Disclosure Statement, Forms PTO-1449 (6 pages) | <input type="checkbox"/> Request for Refund   |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                                | <input type="checkbox"/> CD, Number of CD(s) _____                                      |   |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application                     |   |   |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53                   |   |   |

## Remarks

Please charge any necessary fees or credit overpayment to Deposit Account No. 502305. A duplicate copy of this transmittal is attached for this purpose.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |                                    |
|-------------------------|------------------------------------|
| Firm or Individual name | Mark C. Pickering, Reg. No. 36,239 |
| Signature               |                                    |
| Date                    | August 6, 2004                     |

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: August 6, 2004

|                       |                |
|-----------------------|----------------|
| Typed or printed name | Robin L. King  |
| Signature             |                |
| Date                  | August 6, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.